

★ MAY 12 2020 ★

BROOKLYN OFFICE

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

RESPONDENT

• CASE NUMBER
• 1:11 CR 850

✓
WILLIAM FRANK BOYLAND JR
PETITIONER

EMERGENCY MOTION FOR RELEASE TO
HOME CONFINEMENT PURSUANT TO
THE CARES ACT OF 2020

Comes Now, WILLIAM FRANK BOYLAND JR.
(HERE AFTER PETITIONER) PRO SE, AND FILES
THIS EMERGENCY MOTION ASSERTING THE NEW
NEW COVID-19 VIRUS AND WORLD WIDE
PANDEMIC CREATES A UNIQUE, EXTRAORDINARY
AND POTENTIAL IRREVERSIBLE LIFE THREATENING
CIRCUMSTANCE BASED ON PETITIONERS
MEDICAL CONDITIONS.

JURISDICTION

WHILE PETITIONERS MOTION AND PRO SE
STATUS SHOULD BE ACCEPTED AND INTERPRETED
WITH LIBERAL CONSTRUCTION, PETITIONER
BELIEVES THIS COURT HAS JURISDICTION UNDER

CARES ACT 2020 TO GRANT THE RELIEF HEREIN. IN THE EVENT THE COURT CONSTRUES THE MOTION AS A REQUEST FOR COMPASSIONATE RELEASE, CONSISTANT WITH 18 U.S.C. 3582 (C)(1)(A) AND BUREAU OF PRISONS PROGRAM STATEMENT 5050.50 DATED JANUARY 19, 2019, PETITIONER FORMERLY MADE THE REQUEST OF THE WARDEN OF SCHUYLKILL FCJ TO SUPPORT SAID MOTION ON 4/20/20 AND RECEIVED A DENIAL ON 4/23/20 [SEE] Exb. A+B. TO EXHAUST THE ADMINISTRATIVE REMEDY PROCESS, THEREFORE BRINGING THE EMERGENT MATTER TO THE COURT WOULD BE SELF DEFEATING. UNITED STATES V. LATRICE COLVIN 3:19 CR 179 RULED THAT THE DISTRICT COURT CAN HAVE JURISDICTION IN THE PROCESS.

PETITIONER'S MEDICAL CONDITIONER

PETITIONER DEVELOPED PRE-DIABETES AND WAS DIAGNOSED PRIOR TO INCARCERATION. THE BOP'S MEDICAL STAFF PRESCRIBED METFORMIN TO ASSIST WITH THE PETITIONER'S A1C'S LEVELS. UNITED STATES V. ASARO, UNITED STATES V. SKELOS, UNITED STATES V. GILKEND ALL GRANTED

PETITIONERS RELIEF DUE TO TO THE SAME
A1C AILMENT, AND PER THE CDC PUTS
THIS PETITIONER AT HIGH RISK FOR CONTRACTION
OF THE COVID-19 VIRUS.

PETITIONER WAS DESIGNATED AS A
CHRONIC CARE INMATE UPON HIS INTAKE BY
THE BOP IN 2014. PETITIONER ALSO SUFFERS
FROM SLEEP APNEA [SEE] EXB. C, WHICH
IS A RESPIRATORY CONDITION MAKING HIM
MORE SUSCEPTIBLE TO DANGEROUS AND POTENTIALLY
FATAL RESULT SHOULD HE CONTRACT THE COVID-19
VIRUS.

AS NOTED IN THE PETITIONERS PRE-
SENTENCE REPORT, PETITIONER SUFFERS WITH
HIGH CHOLESTEROL. PETITIONER WAS PRESCRIBED
ATORVASTATIN BY THE BOP TO AID IN THE
MAINTENANCE OF HIS CHOLESTEROL AND LDL LEVELS.
SERTRALINE WAS ALSO PRESCRIBED TO DEAL
WITH ANXIETY ALSO.

PETITIONER ALSO SUFFERS FROM AN
ENLARGED PROSTATE. HE IS PRESENTLY PRESCRIBED

TAMSULASIN, TO HELP WITH INCONTINENCE WHICH ALSO DOES NOT ALLOW FOR A FULL NIGHTS REST. ALL OF THE AFOREMENTIONED AILMENTS ARE DOCUMENTED IN THE PRE-SENTENCING REPORT EXCEPT THOSE WHICH DEVELOPED DURING INCARCERATION.

PETITIONER PASSED OUT DURING TRANSIT WHILE TRAVELING FROM CANAAN PENITENTARY (HOLD OVER) TO SCHUYLKILL FCI. PETITIONER EXPERIENCE DIZZINESS, SHORTNESS OF BREATH AND COLD SWEATS AS WELL AS NAUSEA, ALL OF THESE SYMPTOMS RESULTED IN FEVER SOON AFTER, THIS WHOLE THING OCCURED IN THE R^ED SECTION OF CANAAN NO DIAGNOSIS OR ASSISTANCE WAS GIVEN. PETITIONER WAS HELD A CANAAN FOR AN ADDITIONAL WEEK BECAUSE OF THE INCIDENT. UPON ARRIVAL AT SCHUYLKILL SATELITE PRISON (CAMP), PETITIONER REPORTED THIS INCIDENT HAPPENING AGAIN RESULTING IN ANS "IDLE" BEING PERSCIBED BECAUSE THE PETITIONER HAVING DIZZINESS, SHURTNESS OF BREATH AND VERTIGO. ASKING TO BE EVALUATED BECAUSE FLU LIKE SYMPTOMS FOLLOWED RESULTED

IN NO ASSISTANCE BEING AFFORDED.

GIVEN THE PETITIONERS HEALTH CONDITIONS COUPLED WITH HIS HISTORY AND THE SEVERITY OF THE LIFE THREATING VIRUS EFFECTING THE MORTALITY OF SO MANY, BOYLAND IS AT HIGH RISK OF FATALITY IF HE CONTRACTS THE COVID-19 VIRUS.

ANYONE WITH TYPE-2 DIABETES, AND RESPIRATORY ISSUES IS AT THE TOP OF THE LIST FOR CONTRACTING AS WELL AS BEING VULNERABLE TO THE COVID-19 VIRUS. THE CDC STATES THAT SUCH PEOPLE ARE AT THE PINNACLE OF RISK FOR SEVERE ILLNESS PARTICULARLY IF NOT WELL CONTROLLED. THE CLEVELAND CLINIC STATES THAT COVID-19 CAUSES ACUTE RESPIRATORY (ARDS) WHICH IS A DANGEROUS AND POTENTIALLY FATAL CONDITION.

CURRENT CONFINEMENT CONDITIONS

PETITIONER IS CONFINED AT THE FEDERAL PRISON SATELLITE CAMP (PSC) IN

SCHUYKILL, PA. THE PETITIONER IS HOUSED IN AN OPEN DORM SETTING, SHARING A 9x7 CUBICAL WITH ANOTHER INMATE. THERE ARE 100 PLUS INMATES IN ONE BUILDING SOCIAL DISTANCING IS IMPOSSIBLE.

IN A MEMORANDUM DATED MARCH 26, 2020 UNITED STATES ATTORNEY WILLIAM BARR STATED THAT CONFINED "INMATES ARE AKIN TO THE ENVIRONMENT OF A PETRI DISH." AND WHILE EFFORTS ARE BEING MADE TO KEEP INMATES "COVID-FREE", INMATES AND STAFF ACROSS THE COUNTRY HAVE NOT ONLY BEEN CONTRACTING THE VIRUS BUT THEY'VE BEEN DYING AS WELL. THERE HAS BEEN MULTIPLE DEATHS RELATED TO INMATES CATCHING THE CORONAVIRUS. THE MAIN OR PERHAPS THE ONLY CARRIER OF COVID-19 ARE STAFF MEMBER BRINGING IT ONTO THE GROUNDS OF THE FACILITY. A PERSON CAN ALSO BE A "CARRIER" WITHOUT SIGNS OR SYMPTOMS OF THE VIRUS.

STAY AT HOME ORDERS HAVE BEEN ORDERED BY STATES NATIONWIDE WITH NATIONAL POLITICAL AND MEDICAL "BUCKING". HERE HOWEVER AT (SCHUYLKILL FCI) THERE ARE NEARLY 300 EMPLOYEES NEEDED TO OPERATE THE INSTITUTION WHO CANNOT FOLLOW THE VERY PRE-CAUTION, SOCIAL DISTANCING, TO PREVENT EXPOSURE AS THEY ARE REQUIRED TO WORK WITH AND HAVE CLOSE PROXIMITY TO EACH OTHER AS WELL AS THE INMATE POPULATION.

EMERGENCY NATURE OF THE MOTION.

IT IS INCONCEIVABLE THAT THIS HONORABLE COURT WOULD HAVE SENTENCED THE PETITIONER, A NON-VIOLENT OFFENDER, WITH HIS MEDICAL CONDITIONS INTO AN ENVIRONMENT WHICH COULD TURN HIS INCARCERATION PERIOD (AT A MINIMUM SECURITY CAMP) INTO A SITUATION WHICH COULD EASILY RESULT IN SEVERE MEDICAL COMPLICATIONS OR MORE THAN LIKELY DEATH, AS OTHER COURTS HAVE SAID IN OTHER RULINGS. UNITED STATES V MILLER 16-20222-1 (ED MICH) APR 9, 2020,

UNITED STATES OF AMERICA V. CAMPAGNA N.16 CR
7801 LGS (SONY), UNITED STATES V. SAWICZ
08-CR-287 (ARR) (EDNY) APRIL 10 2020, UNITED
STATES V. PERDIGAO

ITS ONLY A MATTER OF TIME BEFORE

(1) STAFF MEMBER OR INMATE AT THE SCHUYLKILL SPC TEST POSITIVE WITH THE COVID-19 VIRUS. AS IN ANY "PETRI DISH" SENARIO OR LARGE CONFINED GROUP SETTING THE VIRUS WILL BE SPREAD. TO DATE NO TESTING HAS BEEN DONE AT THE (FPC). EVEN THOUGH SYMPTOMS ARE PREVELANT.

PETITIONER WITH HIS EXISTING MEDICAL CONDITIONS ALSO INCLUDING OBESITY (ALSO STATED IN PETITIONERS PROBATION REPORT) IS AT THE HIGHEST RISK OF CONTRACTING COVID-19. IF CONTRACTED HE IS AT THE HIGHEST RISK OF DYING FROM THE VIRUS.

TIME IS OF THE ESSENCE AS EACH DAY PRESENTS AN OPPORTUNITY FOR EXPOSURE AN CONTRACTION OF THE VIRUS. NOTE WORTHY, THERE IS NO REMEDY

WITHOUT THE COURTS INTERVENTION. THE COURT CAN QUICKLY RULE AND GRANT PETITIONER IMMEDIATE RELEASE TO HOME CONFINEMENT AND WITH THE SAME EFFECTIVELY REMOVE PETITIONER FROM AN OTHERWISE DANGEROUS ENVIRONMENT.

HOME CONFINEMENT/RELEASE PLAN

IF RELEASED AND PLACED ON HOME CONFINEMENT OR PETITIONER'S SENTENCE IS OTHERWISE REDUCED OR MODIFIED TO REMOVE HIM FROM (PSC) SCHUYLKILL, PA PETITIONER WILL RESIDE WITH HIS FAMILY AT 460 CHANCEY STREET.

BROOKLYN NY. 11233. PETITIONER WILL ALSO SUPPORT HIMSELF BY WORKING FOR A NON-PROFIT FOCUSED ON REIDIVISM DETERRENTS AND SECURING RESOURCES FOR FORMER INMATES. THE ENTITY IS NEW LIFE SERVICES ALSO LOCATED IN BROOKLYN NY. PETITIONER WILL RECEIVE HEALTHCARE COVERAGE FOR BOTH HE AND HIS TEENAGE SON AS A BENEFIT OF THIS SECURED EMPLOYMENT OPPORTUNITY.

THIS BEING THE PETITIONER'S FIRST OFFENSE HE WANTS TO STAY COMPLIANT

WITH ALL FINES AND OR FINANCIAL OBLIGATIONS
ORDERED BY THE COURT.

CONCLUSION AND RELIEF

PETITIONER IS ATTEMPTING TO REMAIN
ALIVE AND AVOID UNREASONABLE EXPOSURE
TO THE DEADLY COVID-19 VIRUS. IN A
CONFINED GROUP SETTING ~~SETTING~~ WITH
UNAVOIDABLE CONTACT FROM DOZENS IF NOT
HUNDREDS OF INDIVIDUALS WHO THEMSELVES
CANNOT AVOID EVENTUAL EXPOSURE, PETITIONER
IS AT HIGH RISK OF CONTRACTING THE VIRUS.

PETITIONER HAS NO SECOND CHANCES
IF HE CONTRACTS COVID-19 VIRUS, IT IS
LIFE OR DEATH. RESPECTFULLY, HE IS AT
THE HAND AND DISCRETION OF STAFF WHO
ARE CROSSING THEIR OWN FINGERS OR PRAYING
DAILY THEY THEMSELVES DON'T CONTRACT THE
VIRUS.

PETITIONER MEETS THE CRITERIA
SET FORTH BY US ATTORNEY GENERAL BARR,
THE CDC, THE SURGEON GENERAL OF THE
UNITED STATES AND THE CARES ACT OF 2020,

FOR PRIORITIZED HOME CONFINEMENT. PETITIONER'S
UNIQUE AND EXTRA ORDINARY MEDICAL CONDITION
COMBINED WITH THE POTENTIAL TO CONTRACT COVID-19
IS ONLY UNIQUE AND EXTRAORDINARY AS APPLIED
TO HIM. IT IS NOT PRECEDENT SETTING.

PETITIONER THEREFORE REQUEST IMMEDIATE
RELEASE AND/OR PLACEMENT IN HOME CONFINEMENT
WHICH WOULD RESULT IN HIS REMOVAL FROM THE
PRISON SETTING.

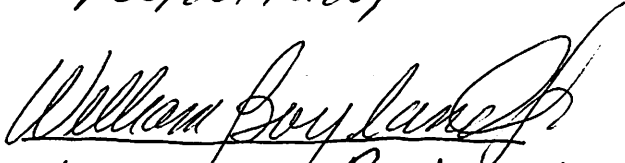
CERTIFICATE OF SERVICE

I, WILLIAM BOYLAND JR, HAVE CAUSE THIS EMERGENCY MOTION TO BE MAILED TO THE CLERK OF THE COURT ON THIS DAY, TUESDAY APRIL 28, 2020

PLEASE NOTE, AS THE FBOP IS UNDER MODIFIED OPERATIONS/LOCK-DOWN, I DONT HAVE ACCEES TO A COPIER AND CAN THEREFORE ONLY SUBMIT ONE(1) COPY.

RESPECTFULLY, PETITIONER REQUEST THE CLERK OF THE COURT TO PLEASE DIRECT A COPY OF THIS MOTION TO BE SERVED ON THE GOVERNMENT, BY WAY OF PHYSICAL COPY OR UPLOADED INTO PACER, THEREBY SATISFYING THE REQUIREMENT TO SERVE THE ALUSA

RESPECTFULLY


WILLIAM FRANK BOYLAND JR

PETITIONER PRO SE

APRIL 28, 2020

REG.# 79751-053

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>MRSCK - CHANCELLOR CASE MANAGER</i>	DATE: <i>4/20/20</i>
FROM: <i>William Bayland</i>	REGISTER NO.: <i>79751-053</i>
WORK ASSIGNMENT: <i>FOOD SERVICE</i>	UNIT: <i>Camp 1</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

PURSUANT TO PROGRAM STATEMENT 5050.50 AS WELL AS THE RECENTLY ENACTED CARES ACT HUMBLY REQUEST TO BE RELEASED TO HOME CONFINEMENT. (PER THE WARDENS APPROVAL) I ASK. DUE TO THE DANGEROUSLY BAD CONDITIONS HEALTH WISE AMONG OTHER INDIVIDUALS HOUSED HERE IN CAMP ONE. I'VE WITNESSED FLU CONDITIONS THROUGH OUT, GUYS LYING IN BED SORE, SNEEZING, COUGHING JUST TO NAME A FEW, I'VE DEVELOPED THE BEGINNINGS OF THESE SAME SYMPTOMS AND TRUTH BE TOLD IM AFRAID. NO TESTING HAS HAPPENED AMONG THE INMATE POPULATION BUT IM SURE THE VIRUS (COVID 19) IS ALREADY EFFECTING PEOPLE. PLEASE CONSIDER MY REQUEST FOR HOME CONFINEMENT, AND I THANK YOU IN ADVANCE FOR YOUR CONSIDERATION

(Do not write below this line)

DISPOSITION:

Signature Staff Member	Date
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Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94



EXB. A

BOYLAND, WILLIAM F.
Reg. No. 79751-053
Camp 1
Request to Staff Response

RESPONSE

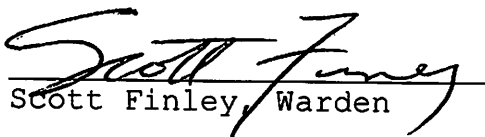
This is in response to your Request to Staff received on April 20, 2020, in which you request Compassionate Release. You further state, your request is based on the dangerously bad health conditions among the inmate population.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance.

The BOP is taking extraordinary measures to contain the spread of COVID-19 and treat any affected inmates. We recognize you, like all of us, have legitimate concerns and fears about the spread and effects of the virus. Your concern, however, regarding being potentially exposed to, or possibly contracting, COVID-19 does not currently warrant an early release from your sentence. It should be also noted at this time, FCI Schuylkill does not have any confirmed COVID-19 staff or inmate cases.

Accordingly, your Compassionate Release/RIS request is denied at this time.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.


Scott Finley, Warden

04/23/20
Date

Exb B

William Boyland-79751-053

Federal Prison Camp Schuylkill

P.O. Box 670

Minersville, PA 17954

Mailed from

Federal Prison Camp

Schuylkill, PA



↔79751-053↔

Honorable Sterling Johnson

225 Cadman PLZ E

Brooklyn Heights, NY 11201

United States

LEGAL MAIL

LEGAL MAIL